FARAD CONTINUATION SHEET NO.
CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.2616 OF 2006

Mr.Prakash Jankilal Jaju ..Applicant
Versus
The State of Maharashtra ..Respondent

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.S.V.Marwadi with N.K.Sharma for the applicant.

Mr.Rajesh More APP for the State.

Mr.Mangleshwari Prasad for the Complainant.

Coram : R.S.Mohite,J

Date : 10.08.2006.

PC

1. This is an application for grant of anticipatory bail. The applicant is shown as an accused in C.R.No.298/2006 registered by the Osiwara police station for alleged offences under Sections 509 & 506-II of IPC. The said FIR has been registered on the complaint made by one Dr.Ashok Chopra who is the father of an actress by name Priyanka Chopra. The present applicant Prakash Jaju was admittedly the secretary of

the actress Priyanka Chopra. It appears that there is litigation between the parties. Initially the present applicant Prakash Jaju has filed a criminal case against the complainant and his daughter for alleged offences under Sections 406, 420, 465, 467, 499 & 500 of IPC. This case bearing no.1412/sw/2004 was filed in the 10th Court, Andheri in the year 2004. The proceedings in this case are stayed by this Court in Criminal Application No.5191/2004 and the said application is pending in this Court. The applicant then filed arbitration petition bearing no.484/2004 for appointment of an arbitrator and that petition is also pending in this Court. In this background in December-2004 a complaint of telephonic threat said to have been given by the applicant was filed by the complainant in the Osiwara police station. That complaint was registered as N.C. Now 2nd FIR has been filed on 19.5.2006. I have perused the

said FIR now filed. There is allegation that the present applicant is sending vulgar SMS's on his daughter's mobile phone. There is also a mention that though his daughter changed her mobile number on several occasions, the present applicant used to find the number and send the vulgar messages. There is mention that the applicant called up on the home land line number and threatened the Complainant and his family. I find that the FIR is totally vague. There is no mention of the nature of the vulgar messages or the dates on which any such messages have been sent. After this FIR was registered on 19.5.2006 and after the present application for anticipatory bail had been filed on 11.7.2006, pending this application the police recorded the statement of the actress Priyanka Chopra. I perused her statement. Her statement is also vague. There is no mention of the nature of any message or the date

on which any such message was sent. APP upon instructions from I.O. states that the complainant or her daughter has not handed over the mobile phone on which any such message is received. Complainant is appearing today through an Advocate. The said mobile phone is not even available for the perusal of the Court. Advocate for the Complainant handed over to the I.O. a sheet of paper containing several paragraphs which are said to be SMSs. There is nothing to indicate as to from which telephone number these messages were received. APP places on record telephone record of the present applicant which indicates that he has made several calls to telephone number of the actress. Mere making of telephone calls by itself would not help the prosecution in proving the nature of the conversation which would have to be proved in order to establish offence under Sections 506-II & 509 of IPC. In short,

there is no reliable text or recording of any such message said to have been given. It is seen that the parties are in litigation with each other and some amount was alleged to be due to the present applicant. Taking into account that the telephone records are already available with the police, in my view investigation can proceed without arrest of the present applicant. It is therefore, directed that in the event of arrest of the present applicant in connection with C.R.No.298/2006 registered by the Osiwara police station, the applicant may be released on bail in the sum of Rs.15,000/- with one surety in the like amount subject to the condition that he will report to the I.O. once a week till the filing of the charge-sheet and thereafter once a month till the disposal of the case if any filed against him. From the affidavit-in-reply of the State it appears that there is some proceeding regarding breach

of bond. It is made clear that the said proceeding can continue. Application stands disposed off.

(R.S.Mohite,J)